

1 THE HONORABLE JOHN C. COUGHENOUR  
2  
3  
4  
5  
6

7 UNITED STATES DISTRICT COURT  
8 WESTERN DISTRICT OF WASHINGTON  
9 AT SEATTLE

10 In the Matter of the Application of  
11 LUFTHANSA TECHNICK AG, Petitioner, for  
12 an Order Pursuant to 28 U.S.C. § 1782 to Take  
13 Discovery, Pursuant to the Federal Rules of  
14 Civil Procedure, of Respondent PANASONIC  
15 AVIONICS CORPORATION, for Use in  
16 Foreign Proceedings, with ASTRONICS  
17 ADVANCED ELECTRONIC SYSTEMS as  
18 Intervenor.

CASE NO. C17-1453-JCC

ORDER

19 This matter comes before the Court on Petitioner Lufthansa Technick AG's motion to  
20 compel production of Respondent Panasonic Avionics Corporation's customer contracts (Dkt.  
21 No. 103). Having thoroughly considered the briefing and the relevant record, the Court finds oral  
22 argument unnecessary and DENIES the motion for the reasons explained herein.

23 The Court previously set forth the factual background of this case, which it will not  
24 repeat here. (*See* Dkt. No. 39.) Consistent with Petitioner's January 23, 2019 subpoena to  
25 Panasonic, (Dkt. No. 54-5; *see* Dkt. No. 100 at 15), Petitioner seeks to compel production of:

26 All contracts between Panasonic and third parties except KID involving the  
purchase of 11OV in-seat power systems for installation on Airbus, Boeing,  
Bombardier, or Embraer aircraft in the United Kingdom, France, Spain, Germany  
or Japan, or in the aircraft of any other aircraft manufacturer in those countries.

(Dkt. No. 54-5 at 7.) Panasonic opposes Petitioner's motion on the basis that the information  
sought is (a) neither relevant to the ongoing European proceedings nor proportional to the needs

1 of the case and (b) unreasonably cumulative. (Dkt. No. 106 at 7–12.) Panasonic further argues  
2 that Petitioner’s motion to compel is made in bad faith and is untimely. (*Id.*) The Court finds  
3 Panasonic’s first two arguments persuasive and, therefore, need not consider its final two  
4 arguments.

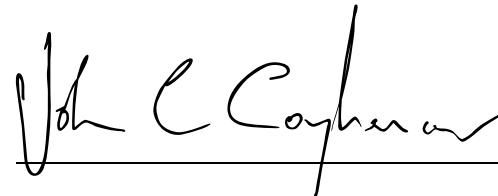
5 Petitioner has failed to establish the relevance of the information sought in light of the  
6 current status of the foreign proceedings. Nor has Petitioner demonstrated why the contracts  
7 sought are proportional to its needs in the case. Finally, Petitioner also has failed to establish why  
8 the request is not unreasonably cumulative in light of what has already been produced. This  
9 seems particularly true in light of Petitioner’s alleged concession, which the parties now dispute,  
10 regarding narrowing the request. (*See* Dkt. No. 103 at 38–39.)

11 Accordingly, the Court DENIES Petitioner’s motion to compel (Dkt. No. 103). Petitioner  
12 is ORDERED to show cause why this matter should not be terminated, other than for the limited  
13 purpose of enforcing the Court’s Second Amended Protective Order (Dkt. No. 85).

14 Petitioner’s response to this Order to Show Cause must be filed within fourteen (14) days  
15 and cannot exceed six (6) pages. Panasonic may file an objection to Petitioner’s response within  
16 fourteen (14) days of Petitioner’s response, also not to exceed six (6) pages. If Panasonic chooses  
17 to object, Petitioner may also file a reply to Panasonic’s objection. That reply must be filed  
18 within seven (7) days of Panasonic’s objection and cannot exceed three (3) pages.  
19

20 DATED this 19th day of April 2021.

21  
22  
23  
24  
25  
26



---

John C. Coughenour  
UNITED STATES DISTRICT JUDGE